

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEBBIE SHELLEY, individually,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

NO: CV-10-5124-RMP

ORDER GRANTING MOTION FOR
STIPULATED PROTECTIVE
ORDER

Before the Court is the Defendant's Motion for Stipulated Protective Order, ECF No. 15. The parties have stipulated to entry of a protective order that they have provided to the Court.

Pursuant to CR 26(c), and according to the Stipulation of the parties,

IT IS HEREBY ORDERED:

1. Any documents produced by a party in this action which are, in good faith, determined by the producing party to contain confidential or proprietary information, including without limitation financial information, trade secrets, personnel and payroll information, or other commercially sensitive or personally

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1 sensitive information of a non-public nature, may be designated as confidential,
2 and so marked, by stamping each page of the document "Confidential." If the
3 document is more than 25 pages in length, stamping the front page "Confidential"
4 shall be sufficient to cover the entire document under this Protective Order. The
5 parties shall act in good faith and on a reasonable basis when designating the
6 following materials "CONFIDENTIAL":

- 7 (a) Medical records and healthcare information;
- 8 (b) Personnel records of employees;
- 9 (c) Payroll information;
- 10 (d) Salary information;
- 11 (e) Salary surveys;
- 12 (f) Salary guidelines and pay-grade levels;
- 13 (g) Social Security numbers;
- 14 (i) Financial and business information of Defendant not subject to public
15 disclosure; and
- 16 (j) Any other information not in the public domain and that is reasonably
17 and in good faith believed by the producing party to contain trade secret,
18 proprietary, or highly-sensitive business information.

19 2. When used in this Order, the word "documents" means all written,
20 recorded or graphic matter whatsoever, however created and whatever the medium

1 on which it was produced or reproduced, including, but not limited to, documents
2 produced by any party, whether pursuant to CR 33 or 34, subpoena, or by
3 agreement, and may also include deposition transcripts and exhibits, and any
4 portions of any court papers which quote from or summarize any of the foregoing.

5 3. All confidential documents and all information contained therein,
6 shall be used by the party(ies) to whom the documents are disclosed solely for the
7 prosecution and/or defense of this action, and shall not be further disseminated,
8 except as specifically set forth below.

9 4. Except with prior written consent of the party asserting confidential
10 treatment, confidential documents and the information contained therein may be
11 disclosed only to the following persons:

12 (a) Counsel for the party(ies) to whom the confidential disclosure
13 has or is to be made, and secretaries, paralegal assistants, and other employees of
14 such counsel who are assisting counsel in the prosecution and/or defense of this
15 action. Counsel shall be responsible for ensuring that his or her associates and
16 employees are informed of the terms of this Order and agree to abide by them;

17 (b) The parties to this litigation, provided they are informed of the
18 terms of this Order and agree to abide by them;

19 (c) Outside consultants and experts retained by any party for the
20 purpose of assisting in the prosecution and/or defense of this action, but only after

1 the consultant or expert has read this Order and agrees in writing to be bound by it,
2 as set forth in Exhibit A. Upon Order of the Court, for good cause shown, these
3 agreements shall be available for inspection by counsel for the party producing the
4 confidential document;

5 (d) Deposition witnesses during their depositions, or trial witnesses
6 at trial, when necessary for, or otherwise relevant or helpful to, such witness's
7 testimony, provided that confidential documents and the information contained
8 therein may be disclosed to non-party deposition or trial witnesses only after the
9 witness has read this Order and agrees in writing to be bound by it, as set forth in
10 Exhibit A. Upon Order of the Court, for good cause shown, these agreements shall
11 be available for inspection by counsel for the party producing the confidential
12 document;

13 (e) Any mediator(s) retained by the parties, during the course of
14 any mediation or in connection with the mediator's preparation for mediation,
15 provided that the mediator is informed of the terms of this Order and agrees to be
16 bound by them, as set forth in Exhibit A. Upon Order of the Court, for good cause
17 shown, these agreements shall be available for inspection by counsel for the party
18 producing the confidential document; and

19 (f) The Court.
20

1 5. All persons, other than counsel of record, to whom such confidential
2 information is disclosed pursuant to this Order shall:

3 a. Not make any copy, summary or exhibit of or from such
4 documents or information except at the specific request of and for the use of
5 counsel solely for the purposes of this litigation;

6 b. Not permit such document to leave his or her custody or
7 control;

8 c. Not reveal such document or information contained therein to
9 any person not already subject to the provisions of this Order;

10 d. Not reveal or use such document or information contained
11 therein except for the limited purposes set forth in paragraph 3 hereinabove; and

12 e. Return promptly to counsel any copy of such document
13 entrusted to him or her when no longer required by him or her for the purpose
14 requested by counsel.

15 6. Confidential documents and information derived therefrom may be
16 referred to in interrogatory answers, motions, briefs and other court papers and in
17 deposition testimonies and marked as deposition exhibits in this action, but only if
18 the portion of the court paper where such confidential documents or information is
19 revealed is appropriately marked. A party intending to file with the Court a
20 document that arguably contains confidential documents or information derived

1 therefrom shall provide seven (7) business day notice to the party who produced
2 the confidential document to determine whether it should move the Court for an
3 order sealing such information pursuant to GR 15.

4 7. The use of documents designated confidential and information derived
5 therefrom during the course of the trial of this action shall be governed by further
6 stipulation of the parties or further Order of this Court. Except as to the use at trial
7 of confidential documents and information derived therefrom, this Order shall
8 remain effective until such time as it is superseded by stipulation of the parties or
9 Order of this Court.

10 8. At the conclusion of the litigation of this action, or upon settlement or
11 dismissal, documents designated as confidential, and all copies of such documents
12 (other than exhibits of record), shall be returned to the source from which they
13 were produced or at the direction of the producing party, destroyed.

14 9. Nothing in this Order shall prevent any party to this action from
15 moving the Court to remove the confidential designation from a particular
16 document, from seeking modification of this Order or other or further protection or
17 relief, or from objecting to discovery which it believes to be otherwise improper.

18 10. Nothing contained in this Order shall affect in any way or to any
19 degree the admissibility of any discovery material or any information disclosed
20 under the terms of this Order. The admissibility of such material and information

1 shall be governed by the Evidence Rules and the Rules of Civil Procedure in the
2 same manner as any other potential evidence in this case.

3 **IT IS SO ORDERED.**

4 The District Court Executive is hereby directed to enter this Order and to
5 provide copies to counsel.

6 **DATED** this 14th of July, 2011.

7
8 s/ Rosanna Malouf Peterson
9 ROSANNA MALOUF PETERSON
Chief United States District Court Judge

EXHIBIT A

**AGREEMENT OF EXPERT, CONSULTANT,
NON-PARTY DEPOSITION OR TRIAL WITNESS,
OR DESIGNATED REPRESENTATIVE
TO BE BOUND BY PROTECTIVE ORDER**

The undersigned, _____ (print or type name), an expert, consultant, non-party deposition or trial witness, or designated representative of _____ (print or type name of party or law firm), in connection with Debbie Shelley v. Bank of America, N.A., United States District Court for the Eastern District of Washington, Cause No. CV-10-5124-RMP, hereby acknowledges that he or she has received a copy of the Protective Order entered in these actions, which is attached hereto as Exhibit A, and has read and agreed to be bound by all of the provisions thereof.

DATED: _____
Signature